

REMARKS/ARGUMENTS

Claims 1-59 are currently pending in the present application. Claim 21 has been currently amended to correct a typographical errors. No new matter is believed to have been introduced by the amended claim.

Response to the Restriction Requirement of July 20, 2004

The Office has required restriction of the Claims 1-59 into the following groups.

- Group I: Claims 1, 8, and 11-19, drawn to a hollow fiber, a porous fiber, or a porous hollow fiber, each of which incorporates an immobilized biological substance.
- Group II: Claims 2-19, drawn to a fiber retaining a gel which incorporates an immobilized biological substance.
- Group III: Claims 20 and 24-30, drawn to a method for producing a fiber alignment.
- Group IV: Claim 21, drawn to a method for determining the position of each fiber unit in a slice.
- Group V: Claim 22, drawn to a computer-readable medium; and claim 23, drawn to a set of slices and a computer-readable medium.
- Group VI: Claims 31-37, drawn to a method for treating the inner wall part of a hollow fiber.
- Group VII: Claims 38-41 and 46-49, drawn to a polymer gel.
- Group VIII: Claims 42-45, 50 and 51, drawn to a method of producing a polymer gel.
- Group IX: Claims 52-59, drawn to method for detecting a sample.

Applicants elect, with traverse, **Group IV (claim 21)** for further prosecution in the above-identified application. Applicants further elect, with traverse, a hollow fiber as the type of fiber, for examination purposes only. Applicants also elect, with traverse, a “polymer consisting of one or more or more kinds of ingredients listed in groups i-iv,” as the biological substance, for examination purposes only. Claims 1-59, as they read on the elected species are subject to examination.

The Examiner has asserted, on page 2 of the present Office Action, that the inventions listed as Groups I-IX do not relate to a single general inventive concept under PCT Rule 13.1, because under PCT Rule 13.2, they lack the same or corresponding special technical features, since the fibers of Group I (claim 1) do not require the polymer gel of Group VIII (claim 38). Thus, the Examiner required restriction among the above groups. The Examiner, on page 3 of the present Office Action, further asserted that Applicants are required to elect a single species from the noted groups of “Type of fiber” and “Biological substance.” Applicants respectfully traverse based on the following reasons.

The MPEP provides guidelines for the determination of a “lack of unity of invention” between restricted Groups. MPEP §1893.03(d) states:

“When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.”

The Examiner has provided a general statement that the fibers of Group I (claim 1) do not require the polymer gel of Group VIII (claim 38), and then used this general statement to conclude that unity of invention is lacking among all the claims. However, the Examiner has not provided a proper determination as to why Groups I-IX lack unity with each other, in terms of a specific description of the unique technical feature in each group. Moreover, the Examiner did not provide any reasons to support restriction among the other groups, Groups

II-VII and IX. Applicants also note that Claim 38 was restricted to Group VII. Thus, the Examiner has not provided a proper determination as to the issue of unity of invention with respect to Groups I-IX.

In addition, the Examiner did not provide any reasons to support the restriction of fiber types and biological substances. Moreover, Applicants respectfully submit that if the invention is so narrowed, as to cover only one fiber type and one biological substance, Applicants cannot adequately claim the invention, without filing numerous patent applications. This is an undue burden on the Applicants.

Therefore, the Office has not supported its conclusion of both the restriction of the respective groups and the election of species. Also, a search of all the claims would not impose a serious burden on the Office. In fact, as shown from the International Search Report, the International Searching Authority searched the claims together.

Applicants submit that if the product claim is allowable, methods claims should be rejoined under MPEP § 821.04, if the methods claims depend on, or include all the limitations of, the allowed product claim. Applicants also respectfully submit that should the elected species be found allowable, the Office should expand its search to the non-elected species.

Accordingly, for at least the above reasons, Applicants submit that the Office has not met the requirements to sustain a restriction and election of species in the present application. Applicants respectfully request the withdrawal of the Restriction and Election of Species Requirement.

Applicants respectfully submit that the present application is now in condition for examination on the merits, and request early notice of such action.

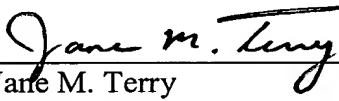
Respectfully submitted,

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